

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 450 Special Funds and Rewards

Chapter 2 Settlement Monies from Criminal Cases

450 FW 2

2.1 Purpose. This chapter clarifies Service policy regarding direction or Service influence of direction of monies received from criminal case settlements of Service criminal cases.

2.2 Policy. Neither the Service nor its law enforcement agents will direct funds received from criminal case settlements into projects or purchases that directly benefit or augment the operational budget of the law enforcement activities of the Service.

A. Generally, all civil penalties or criminal fines received for violations of laws or regulations are deposited in the general treasury in accordance with Court instructions unless specific statutory authority exists for other disposition. In addition, court directed payment to the Service for law enforcement costs of an investigation or bringing a defendant to trial is appropriate.

B. Funds or contributions agreed to be paid by a defendant as part of a plea bargain agreement, pre-indictment settlement, or condition of probation, are considered as restitution or mitigation for specific or intangible damages caused by the defendant and are not considered fines and penalties. The amount of the payments, method and purpose of the payments and to whom the payments will be made are strictly matters for agreement between the court, the Department of Justice and the defendant. While it is customary for the court to seek the advice of the case agent or other knowledgeable person in determining an appropriate purpose or project for the fund, such advice is neither required nor binding.

C. When advising the court with regard to appropriate purposes or projects for funds or contributions, representatives of the Service will not advise or encourage any settlement agreement that would provide funds or equipment to the benefit of Service law enforcement operations.

2.3 Responsibility. Regional Directors and Assistant Directors will ensure full compliance with this chapter.

/sgd/ Denise E. Sheehan, Assistant Director – Budget, Planning and Human Resources
for DIRECTOR

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